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TO: ADMINISTRATOR AND SENIOR EXECUTIVES
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Holiday Message

In observance of the Christmas holiday, we will not publish on Friday, December 23, 2016 and Monday, December 26, 2016. Service will resume on Tuesday, December 27, 2016. We wish our readers a safe and happy holiday.

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Administrator

EPA Chief Defends Legacy Before Leaving Office.

In an interview with the [Washington Post](#), (12/21, Dennis) EPA Administrator Gina McCarthy discussed "the accomplishments and frustrations of her tenure," including "the water crisis in Flint, Mich., the importance of continued domestic and global leadership on climate change and the need to protect the integrity of the science at EPA and other federal agencies." McCarthy also defended regulations promulgated during her administration, stating, "The goal of government is supposed to be to have both. Where you can have cost-effective regulation and regulation that grows jobs, that's where you ought to go." The [Washington Examiner](#) (12/22) reports that McCarthy said that much of what she's heard coming from President-elect Donald Trump about scrapping climate change regulations is just "political rhetoric." Regarding "contentious regulations, such as the Clean Power Plan," McCarthy "believes the regulations will stand against the coming Trump onslaught of deregulation."

EPA Nominee Pruitt Criticized For Enlarging Budget As Oklahoma Attorney General.


[Greenwire](#) (12/21) reports that as Attorney General of Oklahoma, Scott Pruitt "boosted his office's budget by 40 percent and hired 60 new employees" despite a hole in the state's budget that forced most state agencies to cut staff and reduce services. Critics claim that Pruitt's actions "have garnered him public exposure instead of benefitting Oklahoma."

Additional Reading.

- [Jeb Bush Endorses Pruitt For Agency Chief. Greenwire. \(12/22\)](#)
- [Trump EPA Pick Gets Jeb Bush's Seal Of Approval. Daily Caller. \(12/21, White\)](#)
- [Ethanol Industry Should Worry About Trump EPA Nominee Pruitt. Crain's Chicago Business \(12/21\)](#)

Brownfields/Superfund/Other Cleanups

Local TV Coverage: GE's Hudson River Cleanup Insufficient.

[WMBC-TV](#)  Newton, NJ (12/21, 5:23 p.m. EST) reported, "New York officials say the Hudson River PCB clean up has fallen short. New York's Department of Environmental Conservation says in its independent review finds General Electric's recently completed super-fund cleanup of the Hudson River was insufficient...DEC Commissioner Basil Seggos called on the Environmental Protection Agency to finish the job and hold GE accountable for cleaning up the Hudson River."

Local TV Coverage: Town Sues DuPont For Pollution.

NJTV Trenton (NJ) News with Mary Alice Williams (12/21, 7:40 p.m. EST) reported, “Carneys Point, taking on a chemical giant in court. The small-town suit alleges Du Pont spun off its Chambers Works complex to accompany merging with DOW Chemical, so they could dodge paying \$1 billion to clean up nearly a century’s worth of pollution.”

Climate Change

Poll: Self-Identified Trump Voters Largely Support Climate Action, Clean Energy.

Grist (12/21, Merchant) reports that a recent post-election poll found that self-identified Donald Trump voters expressed “broad support for climate action and clean energy,” with 55 percent who want to “uphold current climate policies, and 61 percent [who] think companies should be required to reduce carbon emissions.”

States Want To Scrap Clean Power Plan Even As They Near Targets.

The Sacramento (CA) Bee (12/21, Tate) reports that thanks to “cleaner-burning natural gas, wind and solar energy and more efficient use of electricity,” the US power sector is on the track to meet 83 percent of its goal under the Clean Power Plan this year. Nevertheless, attorneys generals from a handful of states are asking Trump to “withdraw the rule on day one.” The attorney generals wrote, “We believe it is important to provide a longer-term legislative response to the rule to ensure that similar or more extreme unlawful steps are not attempted by a future EPA.”

Sierra Club Member “Disappointed” With States’ Petition To End Clean Power Plan. In an op-ed in The Hill, (12/21) Sarah Willey, chair of the Sierra Club’s Missouri Chapter, writes that she was “disappointed” when 24 state officials wrote a letter calling on the Trump administration to repeal the Clean Power Plan. She argues that the Clean Power Plan is “a boon for our nation’s economy and independence,” noting that renewable energy sources are becoming increasingly competitive with fossil fuels, and that as utilities switch to more renewable energy sources, “We could each be spending an average of \$8 a month less by 2030 according to the EPA’s estimate.”

Experts: Clean Energy Unwinds Economic Growth From Emissions.


Vivek Wadhwa at Carnegie Mellon University and Mark Muro at the Brookings Institution write for the Washington Post (12/21, Wadhwa, Muro) that President-elect Donald Trump and his nominee to head the EPA, Scott Pruitt, incorrectly link energy deregulation with economic growth. They write that “the nation can grow and decarbonize at once,” and that “the key is to accelerate the move to low-carbon technology by strengthening—not eliminating—the rules and technology investments that are driving it.” They argue at length how clean-energy innovation “holds out the opportunity to allow for a deep decarbonization compatible with increasing prosperity.”

Shareholder Group To Pressure Shell On Greenhouse Gas Reductions.

Reuters (12/21, Schaps) reports activist shareholder group Follow This, representing some of Shell’s retail shareholders, plans to put forward a resolution at next year’s annual meeting requesting that Shell set targets for annual greenhouse gas emissions reductions. Founder Mark van Baal said, “We have talked to a lot of the major shareholders and they gave us input for the resolution. We have good hope that there will be large shareholders who will support this before the AGM.” The group said in its resolution proposal, “Shell’s financial results greatly depend on the price of oil. Diversification of the energy system could turn out to be an opportunity to decrease

risks and create the cash engines of the future.”

Local TV Coverage: New York-Environmentalists Protest.

12-TV  Bronx, NY (12/21, 10:36 p.m. EST) reported, “Environmentalists want Governor Cuomo to push back against President-elect Donald Trump – when it comes to fighting climate change. A group rallied in Hauppauge, asking Cuomo to lead the way by passing strong environmental legislation in his upcoming state budget plan...Today’s event was held in the wake of Mr. Trump’s nominations to head the environmental Protection Agency and Energy Department. Both of his picks deny climate change exists.”

Energy

DOE Offers \$2 Billion Loan To Louisiana CCS Project.

The AP (12/21, Daly) reports the Department of Energy announced on Wednesday “it is offering a conditional, \$2 billion loan guarantee to capture and store carbon dioxide” at the planned Lake Charles Methanol plant in Louisiana, “the latest element of the Obama’s administration’s strategy to slow global warming.” The plant will utilize “petroleum coke, a byproduct of oil refining, to make methanol, a chemical used in products such as paint, glue, plastics and formaldehyde.” The carbon dioxide that is captured “will be piped to oil fields in Texas, where it will be used to speed up oil production.” The Post says “the loan guarantee is the first to be offered under an advanced energy program to help promising technologies that are unable to secure private investors.” Secretary of Energy Ernest Moniz “called the loan commitment a milestone in federal efforts to capture and store carbon pollution.”

The Houston Chronicle (12/21) reports the project “would mark the first time the Department of Energy has loaned money to a fossil fuel project under its advanced energy program.” Moniz added, “On the fossil, there have been various inquiries over the years, but this is the first project that came in and really worked all the way through. ... I’m pleased we reached this stage on a big fossil project that is quite ambitious and quite novel.”

The Washington Post (12/21, Mooney) reports Hunter Johnston, an attorney with the firm that represents the plant, said, “Essentially what we’re doing is decarbonizing oil. ... We’re lowering the carbon impact of oil, because we’re taking a part of the refining process that would otherwise be associated with CO2 emissions and we’re capturing that to produce more oil. So there’s this huge benefit of domestic production as a result while improving the environment.” The Baton Rouge (LA) Business Report (12/21) also provides coverage.

Additional Reading.

- **EPA Finally Admits Truth About Fracking.** Allentown (PA) Morning Call. (12/20)
- **On Fracking, EPA Should Stand With The Science.** Breaking Energy. (12/21)

International

Scholar: Mexico A Climate Change Leader.

Bernadette Hobson at the Clean Energy Leadership Institute writes for The Hill (12/21) in its “Ballot Box” blog on Mexico’s emergence as “a leader among developing nations” and “active participant in the development and implementation” of international climate agreements. Hobson suggests “Mexico should make additional advances in reducing the methane emissions by working with the

U.S. Bureau of Ocean Energy Management (BOEM) to build a database on offshore platform emissions similar to the one used in the U.S. to understand Mexico's offshore emissions, and engage with the U.S. Gulfwide Offshore Activity Data System (GOADS) to develop detailed data on emissions by equipment and platform type, as well as distinguishing between shallow and deep water operations."

Additional coverage was provided by the [Austin \(TX\) American Statesman](#) (12/21).

Other News

Zinke's Position On Climate Change "Shifted Markedly" Since 2010.

The [Washington Post](#) (12/21, Harvey) reports Rep. Ryan Zinke's "position on global warming appears to have shifted markedly over the years — and may still be unclear." The Post reports Zinke was one of 1,198 state legislators to sign a 2010 letter to President Obama and Congress calling for "comprehensive clean energy jobs and climate change legislation," touting economic benefits that come with the expansion of renewable energy and warning of the costs associated with climate change. Since that letter, "Zinke's comments speak to a by-now-familiar skepticism of basic climate science. But what's less clear is what he thinks ought to be done — or not done — about the issue."

Moniz Says Conversations With Perry Have Been "Constructive."

The [Dallas Morning News](#) (12/21, Rudner) reports Energy Secretary Ernest Moniz said of Rick Perry, who has been tapped by Trump as the next energy secretary, "He has got, as with anyone, a lot of information to absorb, for a department that has, frankly, the complexity this department has." Moniz indicated "he has spoken briefly a few times with Perry" since the former Texas governor was nominated and he called the conversations "extremely cordial and constructive." Moniz added, "We are responsible for the legacy of the environmental challenges left behind by the Cold War nuclear weapons complex. ... I'm certainly available to help the governor as much as I can, especially given the history, to make sure he has the information that people need to make good decisions for the department, the administration, and frankly, for the country." [Greenwire](#) (12/21, Marshall) reports Moniz "said he recently discussed with Perry the 'special role' of the 17 national laboratories in America's energy system and the department's importance in advancing clean energy, enhancing nuclear security and providing a 'backbone' for U.S. science." Moniz stated, "Governor Perry, I think, is very intent on doing a good job."

Moniz Calls Trump Team Questionnaire Climate Request "Not Appropriate." The [Houston Chronicle](#) (12/21) reports Energy Secretary Ernest Moniz, in an interview this week, "criticized a request" by the transition team of President-elect Donald Trump "to hand over the names of federal employees who worked on climate change issues as 'not appropriate.'" Moniz said, "I know that the both career staff at the Department and from the national labs, let's say some of the questions led them to be rather unsettled. So I decided that it was simply best we are not going to get into names of individuals. ... Those particular questions we felt were not appropriate." The comments by Moniz "come a week after top Democrats in Congress accused the Trump administration of attempting to intimidate federal scientists through a 75-point questionnaire." A Trump transition team official "told CNN the questionnaire had been a mistake and said the employee responsible had been 'counseled.'" Aside from that, Moniz said his agency was "cooperating very, very well with the [Trump] transition team." He added, "We are going above and beyond."

SLPD Blasts Trump Choice Of Perry To Head DOE. In an editorial highly critical of President-elect Trump's selection of Perry to head DOE, the [St. Louis Post-Dispatch](#) (12/21) writes

that “sometimes it seems” like “Trump is playing jokes. How else to interpret his selection of former Texas Gov. Rick Perry as secretary of energy?” The Energy Department “is, after all, the only one Perry couldn’t remember when asked in a 2012 debate to name the three federal departments he wanted to eliminate.” The Post-Dispatch continues, “Perhaps Trump wants to dismantle the Energy Department and believes Perry is the best person to do it. Perry’s demonstrated ability on live national television to wipe the department from his own memory certainly counts for something.”

Gingrich: Trump Will Stop Saying “Drain The Swamp.” The Los Angeles Times (12/21, Halper) reports that despite his rhetoric during the campaign, President-elect Trump “is finding that maybe he doesn’t actually want to ‘drain the swamp,’” since “the alligators seem to be doing quite well.” Citing former Trump campaign manager Corey Lewandowski’s boast “about his access and proximity to Trump in announcing” plans to open a new consulting firm, the Times says “perhaps the time is ripe for Trump to stop using the ‘drain the swamp’ phrase.” In an interview with NPR, former House Speaker Newt Gingrich said, “I’m told he now just disclaims that. ... He now says it was cute, but he doesn’t want to use it anymore.”

The New York Post (12/21, Moore) says Gingrich told NPR that “campaign rhetoric was one thing, but the situation has changed now that Trump is transitioning to take over the Oval Office.” According to Gingrich, Trump “is mellowing a bit, becoming more presidential.” The Post adds “Gingrich said Trump’s cabinet will have plenty of ‘disruptors,’” such as “former Texas Gov. Rick Perry heading the Department of Energy, which he pledged to abolish during a 2011 presidential debate.”

Articles reporting on President-elect Donald Trump cabinet choices that briefly mention former Texas governor Rick Perry include: the Dallas Morning News (12/21, Mekelburg), the San Antonio Express-News (12/21, Brezosky), Politico (12/21, Dawsey, Palmeri) and Newsday (NY) (12/21, Brown). Two opinion pieces on Trump’s cabinet in the Orange County Register one by Michael Taube (12/20) and the other by Martin Wisckol (12/20, Wisckol) also briefly mention Perry.

Trump’s EPA Transition Team Lacks Chemical, Pesticide, Pollution Expertise.

Bloomberg BNA (12/21) reports that the nine-members on Trump’s EPA transition team have plenty of energy and climate change experience, but lack “chemical, pesticide and water pollution expertise,” according to Bloomberg reporter Tiffany Stecker. She states that make-up of the team “could rankle industries that must comply with those decisions such as the pesticides and commercial chemicals sectors.”

Pesticides

EPA Restricts 72 Inert Ingredients In Pesticides.

Greenwire (12/22, Dunsmith) reports that on Tuesday the EPA “restricted 72 inert pesticide ingredients,” although “it failed to mandate comprehensive labeling” as had been requested by a 2006 petition from environmental groups. The petition initially requested that the EPA disclose 371 inert pesticide ingredients.

Additional Reading.

- **BASF’s Dicamba Formulation Receives EPA Registration.** Brownfield Ag News. (12/21)

Rules/Regulations/Policy

EPA Issues New Requirements To Prevent Chemical Plant Disasters.

The Hill (12/21, Cama) reports that a new EPA regulation seeks to “overhaul major sections” of the agency’s Risk Management Program for chemical plants, including “new requirements that companies coordinate with local officials and first responders, and learn from past mistakes.” Because the rule was finalized less than a month before President-elect Donald Trump takes office, it could be easily invalidated by Congress. E&E Publishing (12/21, Skibell) reports that that final regulation differs somewhat from the draft version by “offering more flexibility for local emergency management teams.” The rule was prioritized after 15 people were killed in an ammonium nitrate storage facility explosion in Texas in 2013.

NHTSA Delays Deadline Until 2018 For Automakers To Comply With New Fuel-Efficiency Standards.

Reuters (12/21) reports on Wednesday, the National Highway Traffic Safety Administration acted to postpone penalties automakers would face for “failing to meet congressionally mandated miles-per-gallon goals.” According to the Washington Post (12/21), last year Congress ordered federal agencies to adjust civil penalties to account for inflation. Fortune (12/21) reports, in response, NHTSA proposed to “raise fines to \$14 from \$5.50 for each 0.1 mile per gallon each vehicle is below required standards,” which, according to automakers, “could have impacted vehicles built since 2014.”

According to the Washington Post (12/21, Halsey), the NHTSA is delaying the deadlines for compliance until 2018, given that the automotive industry works years in advance in planning its model years and is moving toward producing vehicles that will comply with the mandate. “Therefore increasing penalties for non-compliance before model year 2019 vehicles likely would not result in increased compliance or improved fuel economy,” NHTSA said in a statement. ConsumerAffairs (12/21) reports that, by delaying the penalties until the 2019 model year, the NHTSA is giving automakers some “much-needed breathing room” in their “efforts to meet standards that are made more difficult to reach by the fact that fuel is reasonably inexpensive and expected to stay that way for at least a few years to come.”

Separately, Automotive News (12/21) reports NHTSA granted “automakers’ request for a formal rule-making process to clear up discrepancies between greenhouse-gas standards overseen by the EPA and the fuel-economy standards administered by NHTSA.”

Carl Icahn Named As Special Advisor To Help Trump Administration Rollback Regulations.

Bloomberg Politics (12/21, Jinks) reports President-elect Trump has made billionaire investor Carl Ichan “a special advisor to help him overhaul federal regulations.” Icahn said that President-elect Trump “consulted” him on the pick of Oklahoma Attorney General Scott Pruitt to lead the EPA. Additionally, he’s made frequent calls to reduce regulations that have “run amok,” and has frequently attacked the EPA “over costs his refinery investments face complying with renewable-fuel mandates.”

EPA Finishes Emission Rules For Uranium Plants.

Greenwire (12/21, Reilly) reports the EPA “finished a long-awaited rewriting of standards for radon emissions from uranium processing facilities that appears to take some steps to allaying watchdog groups’ objections to the original proposal.” EPA Administrator signed the final version yesterday, over 2.5 years since the agency unveiled the draft. The new regulations, according to the agency, “will limit the size of conventional impoundments ‘that can exist at any one time’ and spell out design and construction requirements, such as double liners and leak detection systems.” They will

also require companies to use “generally available control technology” to limit radon emissions from the evaporation and holding ponds known as “non-conventional impoundments.”

Water

MI: Snyder Says He Has “No Reason” To Worry He’ll Be Charged In Flint Water Crisis.

The Detroit Free Press (12/21, Egan) reports that Gov. Rick Snyder (R) on Wednesday said “he has ‘no reason to be concerned’” about the possibility of state Attorney General Bill Schuette (R) “bring[ing] criminal charges against him in connection with the Flint drinking water crisis.” Snyder told the Free Press that “he ‘can’t speak for the attorney general,’ but asked if he is getting concerned that Schuette might decide to bring criminal charges against him, Snyder said: ‘I have no reason to be concerned.’” Schuette this week “brought felony charges against two former Flint emergency managers appointed by Snyder, and two former Flint public works employees. Those charges bring the total number of defendants charged by Schuette in the Flint water case to 13.” Snyder is term-limited in 2018.

Reuters Study Finds Elevated Lead Poisoning Rates In Missouri.

In continuing coverage, the Kansas City (MO) Star (12/21) summarizes a Reuters report published Monday that found “the rate of childhood lead poisoning in Missouri is the same – 5 percent – as that of Flint,” Michigan. In the state, Reuters found “the highest rate in the state was reported in the mining town of Viburnum in Iron County, at 30 percent.” According to the article, these results mirror those of a June Kansas City (MO) Star report.

Sixteenth Case Of Legionnaires Reported In Genesee County.

The AP (12/21) says health officials have reported another case of Legionnaires’ disease in Genesee County. The case marks the “16th case reported this year in that county, which includes Flint.” The Genesee County Health Department “said in a statement Tuesday that it’s investigating the case along with other previously reported cases.” The Centers for Disease Control and Prevention is also involved in the investigation.

Clovis Wins \$22 Million From Shell Over Toxic Drinking Water.

The Fresno (CA) Bee (12/21) reports the City of Clovis was awarded \$22 million by a jury against Shell Oil over the cleanup of the toxic chemical TCP that was found in drinking water wells around the city. The jury found that the city was harmed by the fumigant and that Shell did not prove the benefits of the chemical outweighed the known risks at the time it was sold. The city sued Shell, Dow, Occidental Petroleum Corporation and Wilbur-Ellis Company after detecting TCP in its water supplies in 2002. Clovis sought \$70 million in damages from Shell “to treat contaminated water, secure alternative water supplies and remove the TCP from 10 of its 40 wells.”

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